REMARKS

Claims 1-10 have been examined. Claims 1-2, 5 and 8-10 have been rejected. The Examiner indicated that claims 3-4 and 6-7 contain allowable subject matter. Claim 11 is added by this Amendment. Thus, claims 1-11 are all the claims pending in the application.

In the outstanding Office Action, the Examiner has rejected the claims on the following grounds:

- Claims 1 and 8-9 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 3-5 of U.S. Patent No. 6,714,265 to Chino ("Chino");
- Claims 1-2, 5, 8 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 11-242298 to Nakayama *et al.* ("Nakayama"); and
- Claim 9 stands rejected under 35 U.S.C. § 103(a) as being anticipated by Nakayama.

In addition, The Examiner has objected to the dependency of claim 6.

For at least the following reasons, Applicant respectfully traverses these rejections and objections.

AMENDMENTS TO THE CLAIMS

Claim 1 has been amended as shown above. Support for this amendment can be found at least in Figures 1-2 and in the specification at pp. 15 and 25-27.

Claim 6 has been amended to depend from claim 5.

Claim 11 is added by this Amendment. Support for this new claim can be found at least in Figures 1-2 and in the specification at pp. 15 and 25-27.

CLAIM OBJECTIONS

The Examiner has objected to claim 6 as the Examiner believes claim 6 should depend from 5, not claim 4. Applicant respectfully submits that the amendments to claim 6 made herein overcome the Examiner's rejection.

DOUBLE PATENTING REJECTION

The Examiner has rejected claims 1 and 8-9 stand under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 3-5 of Chino.

An obviousness-type double patenting rejection is only appropriate where a pending claim in an application defines an invention that is merely an obvious variation of an invention claimed in an issued patent. (MPEP 804). Obviousness-type double patenting requires rejection of a claim when the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly-owned patent and when the issuance of a second patent would provide unjustified extension of the term of the right to exclude granted by a patent. (MPEP 804).

Claim 1 recites a transfer apparatus "wherein the light linearizing device ... scans relatively the display screen of the image display device with the linear and substantially parallel rays by relatively moving the light linearizing device on the display screen of the image display device." In claims 3-5 of Chino, however, the "substantially parallel rays generating element," which the Examiner alleges teaches the light linearizing device recited in claim 1 (Office Action at p. 3), is fixedly provided on the display screen of the image display device. Thus, in Chino, the "substantially parallel rays generating element" never moves physically on the display screen of the image display screen. Absent a teaching or suggestion in Chino to move the "substantially parallel rays generating element" relative to the display screen, Chino cannot render obvious the

apparatus recited in claim 1. Thus, Applicant submits claim 1 defines an invention that is not merely an "obvious variation" of the invention recited in claims 3-5 of Chino.

As claims 8-9 depend from claim 1, Applicant respectfully submits that these claims are patentable over the cited art at least based on this dependency.

35 U.S.C. § 102(b) REJECTIONS

The Examiner has rejected claims 1-2, 5, 8 and 10 under 35 U.S.C. § 102(b) as being anticipated by Nakayama. However, for at least the following reasons, Applicant respectfully traverses the rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (MPEP 2131, citing *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Here, Applicant respectfully submits that Nakayama fails to teach each element of claim 1.

Claim 1 recites a transfer apparatus "wherein the light linearizing device ... scans relatively the display screen of the image display device with the linear and substantially parallel rays by relatively moving the light linearizing device on the display screen of the image display device." However, in Nakayama, grid 4, which the Examiner alleges teaches the light linearizing device recited in claim 1, is fixedly provided on the display screen of the image display device. Thus, in Nakayama, grid 4 never moves physically on the display screen of the image display screen, therefore failing to teach or suggest a light linearizing device as recited in claim 1. Accordingly, Applicant respectfully submits that claim 1 is patentable over the cited art.

As claims 2, 5, 8 and 10 depend from claim 1, Applicant respectfully submits that these claims are patentable over the cited art at least based on this dependency.

35 U.S.C. § 103(a) REJECTIONS

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being anticipated by Nakayama. However, as claim 9 depends from claim 1, Applicant respectfully submits that claim 9 is patentable over the cited art at least based on this dependency.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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